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# STATE OF RHODE ISLAND

### IN GENERAL ASSEMBLY

#### **JANUARY SESSION, A.D. 2014**

### AN ACT

### RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

Introduced By: Representatives Hearn, Marcello, and Nunes

Date Introduced: January 29, 2014

Referred To: House Small Business

It is enacted by the General Assembly as follows:

SECTION 1. Section 28-14-2.2 of the General Laws in Chapter 28-14 entitled "Payment of Wages" is hereby amended to read as follows:

**28-14-2.2.** Frequency of payment. [Effective January 1, 2014.] -- (a) Except as provided in sections 28-14-4, 28-14-5 and subsections (b) and (c) of this section, every employee other than employees of the state and its political subdivisions and of religious, literary, or charitable corporations shall be paid weekly all due wages from his or her employer, except those employees whose compensation is fixed at a biweekly, semi-monthly, monthly, or yearly rate.

- (b) The director may, upon written petition showing good and sufficient reason, permit employers in the state of Rhode Island whose average payroll exceeds two hundred percent (200%) of the state minimum wage as defined in section 28-12-3 to pay wages less frequently than weekly provided:
- 12 (1) The employer makes payment of wages regularly on a predesignated date no less than twice per month;
- 14 (2) The employer provides proof of a surety bond or other sufficient demonstration of 15 security in the amount of the highest biweekly payroll exposure in the preceding year for the 16 employees subject to the petition; and
  - (3) If the involved employees are subject to collective bargaining, the employer provides the written consent of the collective bargaining representative for all involved employees.
- 19 (c) The director may, upon written petition showing good and sufficient reason, permit

1	employers in the state of Rhode Island whose average payroll is less than two hundred percent
2	(200%) of the state minimum wage as defined in section 28-12-3 to pay wages and salaries of
3	their employees less frequently than weekly provided:
4	(1) The employer has supplied the department with the following information:
5	(i) The method through which wages shall be paid;
6	(ii) The requested frequency of payment;
7	(iii) The employer's designated payday(s);
8	(iv) The classification of the employees involved;
9	(v) The salary range of the employees involved; and
10	(vi) The employer's federal identification number;
11	(2) The employer makes payment of wages regularly on a predesignated date no less
12	than twice per month;
13	(3) The employer has no history of wage and hour violations;
14	(4) The employer provides proof of a surety bond or other sufficient demonstration of
15	security in the amount of the highest biweekly payroll exposure in the preceding year for the
16	employees subject to the petition; and
17	(5) If the involved employees are subject to collective bargaining, the employer provides
18	the written consent of the collective bargaining representative for all involved employees.
19	(d) If the director approves a written petition under subsection (b) or (c), the permission
20	is valid for an indefinite period of time, and there shall be no recertification required of the
21	employer so long as all provisions of the statute are met. Also, the department of labor and
22	training shall conform their rules and regulations to this section. The permission is valid so long
23	as and provided that:
24	(1) Payroll is regularly satisfied on the designated payday;
25	(2) The information provided by the employer to substantiate its request does not
26	change; and
27	(3) The employer remains in compliance with all other state labor laws.
28	SECTION 2. This act shall take effect upon passage.

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## **EXPLANATION**

### BY THE LEGISLATIVE COUNCIL

OF

## AN ACT

## RELATING TO LABOR AND LABOR RELATIONS -- PAYMENT OF WAGES

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